

Notice of Allowability

Application No.

09/870,267

Applicant(s)

WHITE ET AL.

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/03/2007.
2. ☒ The allowed claim(s) is/are 19-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Genie Lyons on December 17, 2007.

The application has been amended as follows:

In the claims:

Claim 19, line 17, after "determining", "if" has been changed to --when--.

Claim 19, line 17, after "has passed since", --receiving-- has been inserted.

Claim 20, lines 3-4, after "time of delay actuation", ", while continuing to compress and save the program to the circular buffer as it is received" has been deleted.

Claim 22, line 17, after "determining", "if" has been changed to --when--.

Claim 22, line 17, after "has passed since", --receiving-- has been inserted.

Claim 23, line 11, after "a transmission pool", --when a threshold time has passed since receiving actuation of delay control-- has been inserted.

Claim 23, line 14, after "the program,", "and" has been deleted.

Claim 23, lines 15-16, "decompressing and resuming display of the program on the new transmission channel as saved in the circular buffer from a time of delay actuation" has been changed to --resuming display of the program saved in the circular buffer from a time of delay

actuation by decompressing the program, and receiving remaining portion of the program on the new transmission channel--.

Claim 24, line 1, "The method of claim" has been changed to --The computer readable medium of claim--.

Claim 25, line 1, "The method of claim" has been changed to --The computer readable medium of claim--.

Claim 26, line 1, "The method of claim" has been changed to --The computer readable medium of claim--.

Claim 27, line 1, "The method of claim" has been changed to --The computer readable medium of claim--.

Claim 28, line 1, "The method of claim" has been changed to --The computer readable medium of claim--.

Claim 29, line 1, "The method of claim" has been changed to --The computer readable medium of claim--.

Claim 30, line 1, "The method of claim" has been changed to --The computer readable medium of claim--.

Claim 31, line 1, "The method of claim" has been changed to --The computer readable medium of claim--.

2. The following is an examiner's statement of reasons for allowance: the prior art, alone or in combination, fails to teach or fairly suggest a system, a method and a computer readable medium as various claimed. Particularly, the prior art fails to teach or fairly suggest the claimed features of determining when a threshold time has passed since receiving actuation of the delay control, an in response to the threshold time passing, returning a transmission channel assigned to the program back to a pool of available transmission channels; returning a transmission channel assigned to the program to a transmission pool when a threshold time has passed since receiving actuation of delay control, receiving actuation of the resume control via the user interface after the channel has been returned to the transmission pool, and in response to the resume actuation, assigning a new transmission channel to the program, resuming display of the program saved in the circular buffer from a time of delay actuation by decompressing the program, and receiving remaining portion of the program on the new transmission channel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ngoc Vu/
NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

December 18, 2007